IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 11TH APRIL 2007 / 21ST CHAITHRA 1929

Bail Appl..No. 1940 of 2007()

CC.416/2006 of J.M.F.C.-III,NEYYATTINKARA

C.R.No.3/07 of Amaravila Excise Range

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: PETITIONER/ACCUSED

PRADEEP G.,
CHIRATHALKALVEEDU, PARASUVAKKAL P.O.,
PARASSALA, THIRUVANANTHAPURAM DIST.

BY ADV. SRI.SUMAN CHAKRAVARTHY

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY
ITS PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 11/04/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 1940 OF 2007 B

Dated this the 11th day of April, 2007

O R D E R

Petitioner, who is the 3rd accused in C.R.No.3/07 of Amaravila Excise Range for an offence punishable under section 55(a) of the Abkari Act for allegedly transporting 1000 litres of rectified spirit in a Scorpio car on 5.1.07, seeks anticipatory bail.

2. Learned Public Prosecutor opposed the application.

3. It is too early to accept the petitioner's contention that he has been a lone crusader against the abkari mafia and has aided the excise department to unearth various abkari cases and he has also figured as prosecution witness in seven cases all out of his thirst to bring the culprits to justice and that he has been falsely implicated in this case.

4. Anticipatory bail cannot be granted in a case of this nature. There is no reason why the petitioner should not surrender before the Magistrate concerned and seek regular bail after placing all his submissions before the Magistrate for his kind consideration. Accordingly, if the petitioner surrenders before the Magistrate concerned and files an application for regular bail,

within two weeks from today and produces materials to buttress his contentions, the same shall be considered and disposed of on merits, preferably on the same date on which it is filed, bearing in mind the decision of this court reported in ***Sukumari Vs. State of Kerala*** [2001 (1) KLT 22].

This application is disposed of as above.

(V. RAMKUMAR, JUDGE)

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